

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BARRY CHAZIN,	:	CIVIL ACTION
	:	
Petitioner,	:	NO. 06-2566
	:	
v.	:	
	:	
MARILYN BROOKS, et al.,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 15th day of December, 2006, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, the Respondents' Response to Petition for Writ of Habeas Corpus, and the Petitioner's Reply to Respondent's Response to Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, and any objections filed thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is DISMISSED.
3. A certificate of appealability issues as to whether submission of cash slips to the prison authorities to enable the mailing of the habeas petition constitutes delivery of the petition for mailing and filing purposes in determining whether the habeas petition was timely filed statutorily.

BY THE COURT:

S/ James T. Giles

J

